

IC 14-15-8

Chapter 8. Operating a Motorboat While Intoxicated

IC 14-15-8-1

"Chemical test" defined

Sec. 1. As used in this chapter, "chemical test" means an analysis of an individual's:

- (1) blood;
- (2) breath;
- (3) urine; or
- (4) other bodily substance;

for the determination of the presence of alcohol or a controlled substance.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-2

"Controlled substance" defined

Sec. 2. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-3

"Intoxicated" defined

Sec. 3. As used in this chapter, "intoxicated" means under the influence of:

- (1) alcohol;
- (2) a controlled substance;
- (3) any drug (as defined in IC 9-13-2-49.1) other than alcohol or a controlled substance; or
- (4) any combination of alcohol, controlled substances, or drugs;

so that there is an impaired condition of thought and action and the loss of normal control of an individual's faculties to such an extent as to endanger any person.

As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.16.

IC 14-15-8-4

"Law enforcement officer" defined

Sec. 4. As used in this chapter, "law enforcement officer" has the meaning set forth in IC 35-41-1. The term includes conservation officers employed by the department.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-5

"Prima facie evidence of intoxication" defined

Sec. 5. As used in this chapter, "prima facie evidence of intoxication" includes evidence that at the time of an alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath.

As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.17; P.L.1-2000, SEC.15; P.L.175-2001, SEC.14.

IC 14-15-8-6

"Relevant evidence" defined

Sec. 6. As used in this chapter, "relevant evidence" includes evidence that at the time of the alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least five-hundredths (0.05) gram and less than eight-hundredths (0.08) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath.

As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.18; P.L.1-2000, SEC.16; P.L.175-2001, SEC.15.

IC 14-15-8-7

"Serious bodily injury" defined

Sec. 7. As used in this chapter, "serious bodily injury" has the meaning set forth in IC 35-41-1.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-8

Operation of motorboat while intoxicated

Sec. 8. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat:

- (1) with an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath; or

- (2) while intoxicated;

commits a Class C misdemeanor.

- (b) The offense is a Class D felony if:

- (1) the person has a previous conviction under:

- (A) IC 14-1-5 (repealed); or
- (B) this chapter; or

- (2) the offense results in serious bodily injury to another person.

(c) The offense is a Class C felony if the offense results in the death of another person.

As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.19; P.L.1-2000, SEC.17; P.L.175-2001, SEC.16.

IC 14-15-8-9

Operation of motorboat in violation of order

Sec. 9. A person who operates a motorboat after the person has been ordered not to operate a motorboat under:

- (1) IC 14-1-5 (repealed); or
- (2) this chapter;

commits a Class A misdemeanor.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-10

Orders not to operate motorboat

Sec. 10. (a) In addition to any criminal penalties imposed for a misdemeanor under this chapter, the court shall order the person to not operate a motorboat for at least one (1) year.

(b) In addition to any criminal penalty imposed for a felony under this chapter, the court shall order the person to not operate a motorboat for at least two (2) years.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-11

Implied consent to chemical test

Sec. 11. A person who operates a motorboat in water over which Indiana has jurisdiction impliedly consents to submit to the chemical test provisions of this chapter as a condition of operating a motorboat in Indiana. If a person refuses to submit to a chemical test under this chapter, the court shall order the person to not operate a motorboat for at least one (1) year.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-12

Offer of chemical test

Sec. 12. (a) A law enforcement officer who has probable cause to believe that a person has committed an offense under this chapter shall offer the person the opportunity to submit to a chemical test. It is not necessary for the law enforcement officer to offer a chemical test to an unconscious person.

(b) A law enforcement officer may offer a person more than one (1) chemical test under this chapter. However, all tests must be administered within three (3) hours after the officer had probable cause to believe the person violated this chapter.

(c) A person must submit to each chemical test offered by a law enforcement officer to comply with the implied consent provisions of this chapter.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-13

Arrests; refusal to submit to chemical test

Sec. 13. (a) If a chemical test results in relevant evidence that the person is intoxicated, the person may be arrested for an offense under this chapter.

(b) If a chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an offense under this chapter.

(c) A person who refuses to submit to a chemical test may be arrested for an offense under this chapter.

(d) At a proceeding under this chapter, a person's refusal to submit to a chemical test is admissible into evidence.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-14

Applicability of IC 9-30-6-5 and IC 9-30-6-6

Sec. 14. (a) The provisions of IC 9-30-6-5 concerning the certification and use of chemical breath tests apply to the use of chemical breath tests in a prosecution under this chapter.

(b) IC 9-30-6-6 applies to chemical tests performed under this chapter.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-15

Information provided upon refusal to submit to chemical test

Sec. 15. If a person refuses to submit to a chemical test under this chapter, the law enforcement officer shall inform the person that the person's refusal will result in the suspension of the person's motorboat operation privileges.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-16

Prosecuting attorney to represent state

Sec. 16. The prosecuting attorney of the county in which an alleged violation of this chapter occurs shall represent the state in a proceeding under this chapter.

As added by P.L.1-1995, SEC.8.

IC 14-15-8-17

Admissibility of evidence

Sec. 17. At a proceeding concerning an offense under this chapter, evidence of the amount by weight of alcohol that was in the blood or breath of the person charged with the offense at the time of the alleged violation, as shown by an analysis of the person's:

- (1) breath;
- (2) blood;
- (3) urine; or
- (4) other bodily substance;

is admissible.

As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.20.